

REMARKS

Applicants submit this Amendment in response to the final Office Action mailed on May 23, 2006. In making this Amendment, Applicants have added no new matter. Support for the amendments above can be found in the specification and claims as filed. Claims 3, 11-17, 27, 30, 35, 39, and 40 have been withdrawn by the Office from consideration. Claims 1, 4-10, 18-26, 28, 29, 31-34, 36-38, and 41 are pending in the Application. Claim 41 has been added. Reconsideration of the pending claims is respectfully requested in view of the foregoing amendments and the following remarks.

The Office Action maintains its rejections to claims 1, 4-8, 10, 18-21, and 23-26 under 35 U.S.C. § 102(b) as being anticipated by European Patent Application No. EP 0 674 082 A1 (hereinafter "EP '082"). The Office Action maintains its rejections to claims 1, 4-8, 10, 18-26, 28, 29, 31-34, and 36-38 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,826,878 to Rovtar (hereinafter "Rovtar"). The Office Action maintains its rejections to claims 9 and 22 under 35 U.S.C. § 103(a) as being unpatentable over EP '082.

A. Claims 1, 4-8, 10, 18-21, and 23-26

Claims 1, 4-8, 10, 18-21, and 23-26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by EP '082. Applicants respectfully assert that the rejection under 35 U.S.C. § 102(b) is improper because EP '082 does not disclose each and every element of the claims at issue. A claim is anticipated by a prior art reference only if each and every element as set

forth in the claim is found. See MPEP § 2131 (citing Verdegal Bros. v. Union Oil Co. of California), 2 USPQ2d 1051 (Fed. Cir. 1987)).

1. Claims 1, 4-8, 10, and 18-21

As amended, claim 1 claims an assembly for a panel, which includes among other elements, “a face of the insert extending beyond the second end of the housing comprises a rounded surface.” Claims 4-8, 10, and 18-21 depend ultimately from claim 1.

EP ‘082 does not disclose an assembly for a panel that includes “a face of the insert extending beyond the second end of the housing comprises a rounded surface,” as claimed. Rather EP ‘082 describes a device with an adjustment element 6, which includes a flat face that is “made solid to the wall frame 3....” (EP ‘082 at col. 3, ll. 37-44; see also Figs. 1-4). As the device in EP ‘082 is made solid and secured to the frame with a flat face, EP ‘082 does not disclose “a face of the insert extending beyond the second end of the housing comprises a rounded surface.”

As EP ‘082 does not disclose each and every element of claim 1, Applicants respectfully submit that claim 1 is patentable over EP ‘082. Claims 4-8, 10, and 18-21 depend ultimately from claim 1, and are, therefore, also allowable for at least the same reasons as claim 1. Accordingly, the rejections to claims 1, 4-8, 10, and 18-21 should be withdrawn and the claims allowed.

2. Claims 23-26

As amended, independent claim 23 claims an assembly for a panel, which includes among other elements, “a face of the button extending beyond the second end of the housing comprises a rounded surface.” Claims 24-26 depend from independent claim 23.

EP ‘082 does not disclose an assembly for a panel that includes “a face of the button extending beyond the second end of the housing comprises a rounded surface,” as claimed. Rather EP ‘082 describes a device with an adjustment element 6, which includes a flat face that is “made solid to the wall frame 3....” (EP ‘082 at col. 3, ll. 37-44; see also Figs. 1-4). As the device in EP ‘082 is made solid and secured to the frame with a flat face, EP ‘082 does not disclose “a face of the button extending beyond the second end of the housing comprises a rounded surface.”

As EP ‘082 does not disclose each and every element of independent claim 23, Applicants respectfully submit that independent claim 23 is patentable over EP ‘082. Claims 24-26 depend from independent claim 23, and are, therefore, also allowable for at least the same reasons as independent claim 23. Accordingly, the rejections to claims 23-26 should be withdrawn and the claims allowed.

B. Claims 1, 4-8, 10, 18-26, 28, 29, 31-34, and 36-38

Claims 1, 4-8, 10, 18-26, 28, 29, 31-34, and 36-38 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Rovtar. Applicants respectfully assert that the rejection under 35 U.S.C. § 102(e) is improper because Rovtar does not disclose each and every element of

the claims at issue. As described above, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found.

1. Claims 1, 4-8, 10, 18-22

As amended, claim 1 claims an assembly for a panel, which includes among other elements, “a face of the insert extending beyond the second end of the housing comprises a rounded surface.” Claims 4-8, 10, and 18-22 depend ultimately from claim 1.

Rovtar does not disclose an assembly for a panel that includes “a face of the insert extending beyond the second end of the housing comprises a rounded surface,” as claimed. Rather Rovtar describes a flat head 126 of a window shim 46 that is secured to a stud 44. (Rovtar at col. 5, ll. 25-26; see also Figs. 1-4). Thus, Rovtar does not disclose “a face of the insert extending beyond the second end of the housing comprises a rounded surface.”

As Rovtar does not disclose each and every element of claim 1, Applicants respectfully submit that claim 1 is patentable over Rovtar. Claims 4-8, 10, and 18-22 depend ultimately from claim 1, and are, therefore, also allowable for at least the same reasons as claim 1. Accordingly, the rejections to claims 1, 4-8, 10, and 18-22 should be withdrawn and the claims allowed.

2. Claims 23-26

As amended, independent claim 23 claims an assembly for a panel, which includes among other elements, “a face of the button extending beyond the second end of the housing comprises a rounded surface.” Claims 24-26 depend from independent claim 23.

Rovtar does not disclose an assembly for a panel that includes “a face of the button extending beyond the second end of the housing comprises a rounded surface,” as claimed. Rather Rovtar describes a flat head 126 of a window shim 46 that is secured to a stud 44. (Rovtar at col. 5, ll. 25-26; see also Figs. 1-4). Thus, Rovtar does not disclose “a face of the button extending beyond the second end of the housing comprises a rounded surface.”

As Rovtar does not disclose each and every element of independent claim 23, Applicants respectfully submit that independent claim 23 is patentable over Rovtar. Claims 24-26 depend from independent claim 23, and are, therefore, also allowable for at least the same reasons as independent claim 23. Accordingly, the rejections to claims 23-26 should be withdrawn and the claims allowed.

3. Claims 28, 29, 31-34, and 36-38

As amended, independent claim 28 claims an article, which includes among other elements, “means for adjusting a position of the panel with respect to the track.” Claims 29, 31-34, and 36-38 depend ultimately from independent claim 28.

Rovtar does not disclose an assembly for a panel that includes “means for adjusting a position of the panel with respect to the track,” as claimed. Rather Rovtar describes a window shim for “shimming laterally from, and fastening the sides of a window to, the sides or studs of an opening through a wall.” (Rovtar at col. 1, ll. 17-19; see also Figs. 1 and 7) (emphasis added). Rovtar does not disclose a track supporting the panel in a frame. Moreover, Rovtar does not disclose a means for adjusting a position of the panel with respect to the track. Furthermore, the window in Rovtar is fastened to the studs, and thus, cannot be adjusted or

repositioned. Therefore, Rovtar does not disclose “means for adjusting a position of the panel with respect to the track.”

As Rovtar does not disclose each and every element of independent claim 28, Applicants respectfully submit that independent claim 28 is patentable over Rovtar. Claims 29, 31-34, and 36-38 depend ultimately from independent claim 28, and are, therefore, also allowable for at least the same reasons as independent claim 28. Accordingly, the rejections to claims 28, 29, 31-34, and 36-38 should be withdrawn and the claims allowed.

C. Claims 9 and 22

Claims 9 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP ‘082. The rejection under 35 U.S.C. § 103(a) is improper because EP ‘082 does not teach or suggest all the claim elements of each of claims 9 and 22. One of the criteria for a *prima facie* case of obviousness is that “the prior art reference (or references when combined) must teach or suggest all the claim limitations.” See MPEP § 2143. The cited reference does not teach or suggest all the claim elements of each of claims 9 and 22.

Dependent claims include all the elements of the claim from which they depend. Thus, claims 9 and 22 each claims an assembly for a panel, which includes among other elements, “a face of the insert extending beyond the second end of the housing comprises a rounded surface.”

As discussed above, EP ‘082 does not disclose an assembly for a panel that includes “a face of the insert extending beyond the second end of the housing comprises a rounded

surface,” as claimed. Rather EP ‘082 describes a device with an adjustment element 6, which includes a flat face that is “made solid to the wall frame 3....” (EP ‘082 at col. 3, ll. 37-44; see also Figs. 1-4). As the device in EP ‘082 is made solid and secured to the frame with a flat face, EP ‘082 does not disclose “a face of the insert extending beyond the second end of the housing comprises a rounded surface.”

As EP ‘082 does not teach or suggest all the claim elements of each of claims 9 and 22, Applicants respectfully submit that claims 9 and 22 are each patentable over EP ‘082. Accordingly, the rejections to claims 9 and 22 should be withdrawn and the claims allowed.

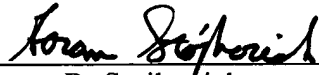
Express Mail Label No. EV 783 700 435 US
Application No. 10/759,593
Attorney Docket No. 49942-296293

CONCLUSION

Applicants respectfully submit that the pending claims are allowable. Applicants respectfully solicit the issuance of a timely Notice of Allowance for all pending claims. The Examiner is invited to contact the undersigned by telephone to discuss any matter related to the Application.

Respectfully submitted,

Dated: June 23, 2006



Goran P. Stojkovich
Registration No. 45,841

Nelson Mullins Riley & Scarborough, LLP
1320 Main Street, 17th Floor
Columbia, SC 29201
Tel: 336.774.3300
Fax: 336.255.9831